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EXAMINER

SHANG, ANNAN Q

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 12/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/865,030

Applicant(s)

TABATABAI ET AL.

Examiner

Annan Q. Shang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/29/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/29/06 has been entered.

Response to Arguments

2. Applicant's arguments filed 09/29/06 have been fully considered but they are not persuasive.

With respect to claims 1-3, 6, 7, 9 and 10, rejected under 35 U.S.C. 103(a) as being unpatentable over **Basso et al (6,751,623)** in view of **Huang et al (6,593,936)**, applicant argues that, "Basso does not teach, describe or suggest 'updating the description using data description language (DDL)'..." that "...Huang does not teach, describe or suggest these limitations..." that "...Huang does not teach, describe or suggest updating a DS..." that "...the combination of Basso and Huang to teach or suggest the present invention as claimed because the combination of Basso and Huang does not satisfy the requirements of a prima facie case of obviousness..." that "...prior art must suggest the desirability of the claimed invention..." that "...it is not sufficient for Basso reference to simply state the possible similarity of the 'forthcoming MPEG-7'

video standard for the purposes of teaching modifications of the MPEG-4 based techniques...” and further present similar arguments with respect to the 103(a) rejection of the other claims (see page labeled 9+ of Applicant’s Remarks).

In response, Examiner disagrees. Examiner notes applicant’s arguments, however, Basso discloses updating description information of MPEG-4 using VRML language in a tree-based structure (col.1, lines 53-67, col.3, lines 15-21 and col.4, line 57-col.5, line 4) and further suggests that MPEG-7 could be used (col.3, lines 37-41). Basso fails to explicitly teach updating description information using data description language (DDL), however Basso suggests that MPEG-7 could be used and also suggests that other descriptive language could be used within the scope of the invention. In the same field of endeavor, i.e., updating description information, this deficiency is disclosed in Huang reference, which discloses updating description information using DDL and updating a description scheme (col.7, lines 1-50, col.10, line 47-col.11, line 7, col.12, line 26-col.14, line 40 and col.14, line 5+), which meets all the claimed limitations. Furthermore, with respect to applicant’s arguments on obviousness, Examiner maintains that, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). In this case both references are in the same field of endeavor as discussed above, as such combining the teaching of Huang with Basso

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would be within the knowledge of one of ordinary skilled artisan, as suggested in Basso reference, and the appropriate motivation was given as discussed below in the office action. Basso does not teach away from the combination with Huang. Furthermore it appears Applicant's arguments are directed against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Hence Examiner maintains the 103(a) rejection of all the claims is proper, meets all the claimed limitations as repeated below. **This office action is a non-final.**

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 6-7, and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Basso et al (6,751,623)** in view of **Huang et al (6,593,936)**.

As to Claim 1, Basso discloses a method for dynamically updating descriptions of audio-visual content information, the method comprising: issuing a command indicating the type of update of at least one node of a structure of a description, wherein the nodes of said structure comprise said descriptions of portion of said audio-visual content information (Col. 3, lines 13-29).

Basso discloses, specifying the location of a node in said description to perform the update (Col. 4, line 57 - Col. 5, line 4), however, Basso does not explicitly disclose wherein the description is compliant with the MPEG-7 standard and updating the description using Data Description Language (DDL)

In an analogous art, Huang discloses specifying the location of a node in the description to perform the update, wherein the description is compliant with the MPEG-7 standard (Col. 7, lines 1-21 and Col. 10, line 46- Col. 11, line 8).

Huang further teaches, updating the description using Data Description Language (DDL)(Col. 7, lines 22-41).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Basso with the teachings of Huang in order to facilitate compliancy with the MPEG-7 standard for the benefit of complying with a standard that provides standardization of multimedia content descriptions.

As to Claim 2, the combination of Basso and Huang disclose, in particular Basso teaches, determining whether the update is authorized to be performed (col.7, lines 13-25).

As to Claim 3, the combination of Basso and Huang disclose, in particular Huang teaches where the issuing a command indicating the type of update comprises: issuing a command to add to the description, where the add is accomplished by deriving an extension (Col. 6, lines 35-54).

As to Claim 6, the combination of Basso and Huang disclose, in particular Basso teaches, wherein the updating said description comprises: altering the structure of the description (Co. 4, line 57 - Col. 5, line 4).

As to Claim 7, the combination of Basso and Huang disclose, in particular Basso teaches, where the updating description comprises: altering a parameter at a node of the description (Col. 1, lines 47-59 and Col. 3, lines 13-29).

As to Claim 9, the claimed elements issuing a derive by extension command, corresponds with subject matter mentioned above in the rejection of claim 3, and is likewise treated.

As to Claim 10, the combination of Basso and Huang disclose, in particular Basso teaches, transferring data to be added to the description by disclosing information for editing the description of the AN file can come from a different terminal and allow easy editing and manipulation (Col. 3, lines 13-29).

Claims 11-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang in view of Basso.

Regarding Claim 11, Huang discloses in a system (figure 9) comprising a first computer system (900-figure 9) and a second computer system (940 - figure 9) coupled to the first computer system via a communication link (930 - figure 9) and having stored thereon a description of audio-visual content that is formatted compliant with the MPEG-7 standard (Col.7, lines 1-21), a method for dynamically updating the description, comprising: the first computer system (930-figure 9) instructing the second computer

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system (940-figure 9) to perform a specified update (Col. 6, lines 35-47 and Col. 10, line 47 - Col. 11, line 7).

Huang discloses the second computer system updating said description using Data Definition Language (Col. 7, lines 22-41).

However, Huang fails to specifically disclose said first computer system instructing the second computer system to perform a specified update of at least one node of a structure of the description, wherein nodes of the structure comprise said descriptions of portion of the audio-visual content information and the first computer system sending a location of a node in the description for said update to the second computer system.

In an analogous art, Basso discloses the first computer system (150 - figure 3) instructing the second computer system (190 -figure 3) to perform a specified update of at least one node of a structure of said description, wherein nodes of the structure comprise the descriptions of portion of the audio-visual content information (Col. 3, lines 13-29).

Basso teaches, the first computer system sending a location of a node in the description for the update to the second computer system (Col. 4, line 57 - Col. 5, line

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Huang with the teachings of Basso in order to facilitate a first computer system instructing a second computer system to perform a specified update of at least one node of a structure of the description for the benefit of

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flexible formats of multimedia to allow quick adaptation of the audio-visual information (Basso - Background).

As to Claim 12, the combination of Huang and Basso disclose, in particular Basso teaches, the first computer determining whether the update is authorized to be performed (Col. 7, lines 13-25).

As to Claim 13, the combination of Huang and Basso disclose, in particular Basso teaches, the second computer system determining whether the first computer system is authorized to instruct the update (Col. 7, lines 13-25).

As to Claim 14, the combination of Huang and Basso disclose, in particular Huang teaches, the first computer system (900-figure 9) instructing the second computer system (930-figure 9) to perform a specified update to the description comprises: issuing a command to add to the description (Col. 6, lines 35-54).

As to Claim 15, the combination of Huang and Basso disclose, in particular Basso teaches, where the first computer system (150 - figure 3) instructing the second computer system (190 - figure 3) to perform a specified update to said description comprises issuing a command to delete a portion of said description by disclosing description information can be extracted from the elementary stream of a file (Col. 1, lines 47-59 and Col. 3, lines 13-29).

As to Claim 16, the combination of Huang and Basso disclose, in particular Huang teaches, the first computer system (900 - figure 9) instructing said second computer system (930 - figure 9) to perform a specified update to said description

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comprises: issuing a command to change a portion of said description (Col. 6, lines 35-54).

As to Claim 17, the combination of Huang and Basso disclose, in particular Basso teaches, where the second computer system (190-figure 3) updating the description comprises: altering a schema of said description, wherein said description comprises a tree structure and the update modifies the tree-structure (Co. 4, line 57 Col. 5, line 4).

As to Claim 18, the combination of Basso and Huang disclose, in particular "Basso teaches, where the second computer system (190 -figure 3) updating the description comprises: altering instance information, wherein said description comprises a tree structure and the update modifies a parameter at a node of the tree-structure (Col. 1, lines 47-59 and Col. 3, lines 13-29).

As to Claim 19, the combination of Basso and Huang disclose, in particular Basso teaches, selecting among a set data stored on said first computer to update the description on the second computer by disclosing information for editing the description of the A/V file can come from a different terminal and allow easy editing and manipulation (Col. 3, lines 13-29).

As to Claim 20, the combination of Basso and Huang disclose, in particular Basso teaches, where the first and the second computer systems form a peer-to-peer system by disclosing first computer system (150 - figure 3) and second computer system (190 - figure 3) can utilize the Internet for transmission of A/V information (Col. 1, lines 32-36).

As to Claim 21, the combination of Basso and Huang disclose, in particular Huang teaches, where the first computer system (900-figure 9) instructing the second computer system (940 - figure 9) to perform a specified update to the description comprises: receiving a request from the second computer for information, wherein a pull operation is initiated (Col. 5, lines 29-49).

As for Claim 22, the combination of Basso and Huang disclose, in particular Huang teaches, where the first computer system (900 - figure 9) instructing the second computer system (940-figure 9) to perform a specified update to the description comprises: determining that the description stored on said second computer should be updated, wherein a push operation is initiated (Col. 5, lines 29-49).

As to Claim 23, Huang discloses a computer readable medium residing on a first computer system (900-figure 9) having instructions stored thereon for causing a processor of the first computer system to instruct a processor of a second computer system (940-figure 9) to dynamically update an MPEG-7 audio-visual content description (Col.7, lines 1-21) residing on the second computer system, the instructions comprising: a location structure for specifying a location of a node in the description to perform the update using Data Description Language (DDL) (Col. 7, lines 1-41 and Col. 10, line 46 - Col. 11, line 8).

Huang however fails to specifically disclose a command structure for specifying the update of at least one node of a structure of said description.

In an analogous art, Basso discloses a command structure for specifying the update of at least one node of a structure of said description (Col. 3, lines 13-29).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Huang with the teachings of Basso in order to facilitate a first computer system instructing a second computer system to perform a specified update of at least one node of a structure of said description for the benefit of flexible formats of multimedia to allow quick adaptation of the audio-visual information (Basso Background).

As for Claim 24, the combination of Huang and Basso disclose, in particular Huang discloses, where the command structure further specifies a command selected from the group consisting of add, delete, and change commands (Col. 6, lines 35-47).

As for Claim 25, the combination of Huang and Basso disclose, in particular Huang discloses, where the location further specifies between a relative address in the description and an absolute address in the description by disclosing the location in the scene description defines a spatial-temporal location (Col. 10, line 47 - Col. 11, line 7).

As for Claim 26, the combination of Huang and Basso disclose, in particular Basso discloses, wherein the instructions further comprise a structure defining data to be added to the description by disclosing information for editing the description of the A/V file can come from a different terminal and allow easy editing and manipulation (Col. 3, lines 13-29).

As for Claim 27, the combination of Huang and Basso disclose, in particular Basso discloses, wherein said instructions further comprise a structure for specifying a security level to determine whether said update is allowed (Col. 7, lines 13-25).

As for Claim 28, the combination of Huang and Basso disclose, in particular Huang discloses, where the instructions are compliant with the Extensible Markup Language (XML) (Col. 7, lines 22-67).

6. Claims 4, 5, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Basso in view of Huang as applied to claim 1 above, and further in view of ISO/IEC MPEG 00/N3575 "ISO/IEC" (cited in previous office action).

As for Claim 4, the combination of Basso and Huang fail to explicitly disclose where the issuing a command indicating the type of update comprises: issuing a command to delete a portion of the description, wherein the delete is accomplished by deriving by restriction. In an analogous art, ISO/IEC discloses where the delete is accomplished by deriving by restriction (Page 5, Section 5.2.2.4). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Basso and Huang with the teaching of ISO/IEC in order to facilitate a delete action by deriving by restriction for the benefit of complying with an established standard.

As for Claim 5, the combination of Basso and Huang disclose, in particular Huang teaches creating of new descriptors can be accomplished using extensions and modifications can be made as well (Col. 6, lines 35-47). However, Huang fails to explicitly state using a restriction in order to modify a descriptor.

In an analogous art, the ISO/IEC discloses that the, "derive by restriction" command can be used to create new descriptors by using the base definition of the MPEG-7 scene description information (Page 5, section 5.2.2.4). Further, it would be

obvious that in order to change a portion of the description, a restriction command would be required first, followed by an extension command in order to modify the node.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Basso and Huang with the teachings of ISO/IEC in order to issue a command to change a portion of said description for the benefit of complying with an established standard.

Considering Claim 8, the claimed elements of where the issuing a command indicating the type of update comprises: issuing a derive by restriction command, corresponds with subject matter mentioned above in the rejection of claim 4, and is likewise treated.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Qian et al (6,070,167) discloses hierarchical method and system for object-based AV descriptive tagging of images for information retrieval, editing and manipulation.

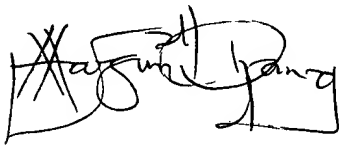
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone

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number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC) at 866-217-9197 (toll-free)**. If you would like assistance from a **USPTO Customer Service Representative** or access to the automated information system, call **800-786-9199 (IN USA OR CANADA) or 571-272-1000**.

A handwritten signature in black ink, appearing to read 'Annan Q. Shang', enclosed within a rectangular box.

Annan Q. Shang